

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DA BIAO WU,  
  
Defendant.

NO. CR20-173-JCC

[~~PROPOSED~~]

**PRELIMINARY  
ORDER OF FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for a Preliminary Order of Forfeiture and Order of Forfeiture ("Motion") in which the United States moved for a Preliminary Order of Forfeiture forfeiting, to the United States, Defendant Da Biao Wu's interest in the following property (the "Subject Property"):

- a. \$114,968 in U.S. currency that was seized from Defendant's residence on October 21, 2020;
- b. The real property located at 3260 South 301st Place, Auburn, Washington (aka, 30114 32nd Avenue South, Auburn, Washington), titled to Da Biao Wu;
- c. \$16,323 in U.S. currency that was seized from Defendant's residence in February 2018;

- d. \$30,000 in U.S. currency that was seized from Defendant's Bank of America safe deposit box (box #626) in February 2018;
- e. \$2,744.16 in funds seized from BECU acct -5517 in February 2018;
- f. \$104.46 in funds seized from BECU acct -5509 in February 2018;
- g. \$1,417.65 in funds seized from Chase Bank acct -8787 in February 2018;
- h. \$6,531.51 in funds seized from Bank of America acct -9478 in February 2018;
- i. \$585.10 seized from Bank of America acct -9478 in February 2018;
- j. A 2014 Mercedes ML seized from Defendant in February 2018; and
- k. \$440 in Canadian currency seized from Defendant's residence in February 2018.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of Forfeiture is appropriate because:

- The Subject Property is forfeitable pursuant to 21 U.S.C. § 853 as proceeds of and/or facilitating property for Defendant's *Conspiracy to Manufacture and Distribute Marihuana*, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846; and
- In the Plea Agreement he entered on December 9, 2022, Defendant agreed to forfeit his interest in the above-identified property pursuant to 21 U.S.C. § 853. Dkt. No. 63, ¶ 13.

NOW, THEREFORE, THE COURT ORDERS:

1. Pursuant to 21 U.S.C. § 853 and his Plea Agreement, Defendant's interest in the above-identified property is fully and finally forfeited, in its entirety, to the United States;

2. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)–(B), this Preliminary Order will be final as to Defendant at the time he is sentenced; it will be made part of the sentence; and it will be included in the judgment;

3. The United States Department of Justice, the United States Postal Inspection Service, and/or their authorized agents or representatives, shall maintain the property in their custody and control until further order of this Court;

4. Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the United States shall publish notice of this Preliminary Order and its intent to dispose of the property as permitted by governing law. The notice shall be posted on an official government website – currently [www.forfeiture.gov](http://www.forfeiture.gov) – for at least thirty (30) days. For any person known to have alleged an interest in the property, the United States shall, to the extent possible, provide direct written notice to that person. The notice shall state that any person, other than the Defendant, who has or claims a legal interest in the property must file a petition with the Court within sixty (60) days of the first day of publication of the notice (which is thirty (30) days from the last day of publication), or within thirty (30) days of receipt of direct written notice, whichever is earlier. The notice shall advise all interested persons that the petition:

- a. shall be for a hearing to adjudicate the validity of the petitioner’s alleged interest in the property;
- b. shall be signed by the petitioner under penalty of perjury; and,
- c. shall set forth the nature and extent of the petitioner’s right, title, or interest in the property, as well as any facts supporting the petitioner’s claim and the specific relief sought.

5. If no third-party petition is filed within the allowable time period, the United States shall have clear title to the property, and this Preliminary Order shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

6. If a third-party petition is filed, upon a showing that discovery is necessary to resolve factual issues it presents, discovery may be conducted in accordance with the

1 Federal Rules of Civil Procedure before any hearing on the petition is held. Following  
2 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,  
3 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that  
4 adjudication; and

5 7. The Court will retain jurisdiction for the purpose of enforcing this  
6 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of  
7 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to  
8 Fed. R. Crim. P. 32.2(e).

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10 IT IS SO ORDERED.

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12 DATED this 27th day of February 2023.

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16 John C. Coughenour  
17 UNITED STATES DISTRICT JUDGE  
18  
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20 Presented by:

21  
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